

10/24/01  
JC821 U.S. PTO  
09/96333

Frederick P. Fish  
1855-1930  
W.K. Richardson  
1859-1951

09-26-01  
A  
FISH RICHARDSON P.C.

September 24, 2001

Attorney Docket No.: 11926-015002

**Box Patent Application**  
Commissioner for Patents  
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jc821 U.S. PTO  
09/96333  
09/24/01

Presented for filing is a new divisional patent application of:

Applicant: VINCENT P. STANTON, JR.

Title: THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES  
HAVING UTILITY IN DETERMINING THE TREATMENT OF  
DISEASE

The prior application is assigned of record to Variagenics, Inc.,  
a Delaware corporation, by virtue of an assignment submitted to the Patent and  
Trademark Office and recorded on February 20, 2001 at 011536/0644.

Enclosed are the following papers, including those required to receive a filing date  
under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	176
Claims	2
Abstract	1
Declaration	2
Drawing(s)	2

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL624276315US

I hereby certify under 37 CFR §1.10 that this correspondence is being  
deposited with the United States Postal Service as Express Mail Post  
Office to Addressee with sufficient postage on the date indicated below  
and is addressed to the Commissioner for Patents, Washington,  
D.C. 20231.

September 24, 2001  
Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

*Pat Gray*  
*USA 6 Gray*

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September 24, 2001

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Enclosures:

- Preliminary amendment, 21 pages.
- Nucleotide and/or amino acid sequence listing including:
  - Computer readable copy.
  - Paper copy, 28 pages.
  - Verification statement, 1 pages.
- Declaration Regarding Incorporation by Reference.
- Request for NonPublication.
- Postcard.

This application is a divisional (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 09/658,659, filed September 8, 2000, which is a CIP of Application serial No. 09/596,033, filed June 15, 2000, which is a CIP of U.S. Application 09/357,743, filed July 20, 1999, which is a CIP of U.S. Application Serial No. 09/357,024, filed July 19, 1999, which claims the benefit of Stanton, U.S. Provisional Application 60/093,484, filed July 20, 1998, which are all hereby incorporated by reference in their entireties including drawings and tables.

Basic filing fee	\$355
Total claims in excess of 20 times \$9	\$117
Independent claims in excess of 3 times \$40	\$120
Fee for multiple dependent claims	\$0
Total filing fee:	\$592

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (617) 542-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

FISH & CHARDSON P.C.

Commissioner for Patents

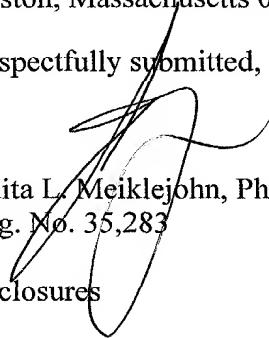
September 24, 2001

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Please send all correspondence to:

ANITA L. MEIKLEJOHN, PH.D.  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804

Respectfully submitted,

  
Anita L. Meiklejohn, Ph.D.  
Reg. No. 35,283

Enclosures

ALM/caa

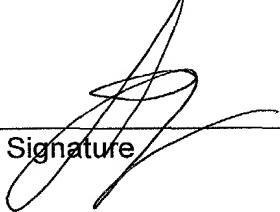
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<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Vincent P. Stanton, Jr.
		Title	THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING UTILITY IN DETERMINING THE TREATMENT OF DISEASE
		Atty Docket Number	11926-015002

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.** I hereby request that the attached application not be published under 35 U.S.C. 122(b).

24 Sept 2001  
Date

  
Signature

Anita L. Meiklejohn, Ph.D.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

09/28/2001 MAHMED1 00000006 09963333

01 FC:201	355.00 OP
02 FC:203	117.00 OP
03 FC:202	120.00 OP

PTO-1556

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